

REMARKS

Previously, claims 1-15 were pending. After applicant has reviewed the office action from the examiner, the claims have been amended. In this office action, claims 3, 7, 8, 9, and 10 amended; claims 1, 2, 5, 12, and 3 remain the same; and, claims 4, 6, 11, 14 and 15 are withdrawn.

In response to this non-final office action, the applicant hereby elects the article, or invention, represented by claims 1-13, a "body tool," to be examined. The applicant reserves the right to file a divisional application on the method claims, 14 and 15.

First, the claims of this application have been amended so as to focus more accurately upon the subject matter of this invention comprising a tool with aligned holes. A person positions the tool upon a car body with the grooves collinear with an axle, and more specifically the kerf. With the body tool aligned, a person drills through a projection into one side of the car body, removes the drill, then drills through the opposite projection into the opposite side of the car body, all without removing the body tool from the car body.

Second, regarding claims 1, 2, and 4, MacIntosh teaches the use of a drill guide for optical lenses. The drill guide clamps a lens, wrapped in protective material, between a screw and the second leg. The screw has threading to engage threads in the second leg and a centered hole to admit a drill bit onward to the optical lens. In contrast, the present invention does not claim a screw as a second piece of tool and does not wrap a car body in any material. MacIntosh's screw allows the base member to accept variations in lens thickness while the present invention has a fixed width between projections to match the specified width of car bodies in sanctioned derby races. MacIntosh's base member has six corners but no grooves upon any face of the base member. In contrast, the present invention has a rectangular tool with two projections and a groove upon each projection where both grooves align across the tool.

Third, regarding claim 3, Klapperich teaches a boring jig to prepare boards with dowel holes as for cabinetry. Klapperich has four guide holes of various

diameters collocated with slots. The slots accept a centering pin in a first hole so that the jig can replicate additional holes. Klapperich provides a line of parallel holes in a board end or face at regular spacing. In contrast, the present invention for model cars has one hole in each projection with the holes coaxial and the same diameter to admit a drill bit of the specified axle diameter as that for sanctioned derby races. The holes in the projections also encourage use of a short length drill bit to minimize deflection of the bit, skewed holes, and subsequent axle misalignment. The grooves upon the projections allow a person to align the present invention by sight along the line of the axle kerf. With the body aligned in the present invention, a person can drill a hole for an axle on one side of a car body using a short drill bit, then rotate the body and drill an opposite hole coaxial with the first hole.

Fourth, regarding claims 7, 8, 9, and 12, Lindblad teaches drilling holes through the flat base of jaws connected by rods. In Lindblad, a worker drills perpendicular to the rods and generally into the ends of boards and along the grain. Lindblad claims drill guide axes parallel to the clamping faces. In contrast, the present invention has a guide hole for a drill bit through the projection on each jaw. The guide holes allow drilling parallel with the rods and upon the face or across the grain of a board. The axes of the guide holes are perpendicular to the face of the projection in contact with the car body.

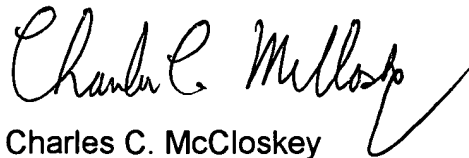
Fifth, in respect to claims 10, 11, and 13 Klapperich teaches guide strips (12, 13) located at the openings to slots (11). The guide strips are located upon both sides of a slot and guide the jig upon the centering pin. The guide strips position the pin in the center of the slot for precise repetition of the spacing between holes. Located at the opening to a slot, the guide strips do not trace the precise path of a drill bit passing through a hole (9). In contrast, the present invention has grooves, one upon each projection, precisely above the path of a drill bit. The grooves show the path of the drill bit and allow a person to drill through one projection, remove the drill, rotate the present invention and car body, and drill through the other projection. A person then knows that both drilled

holes align, axles install straight and flat, and the wheels roll faster in a derby race.

This application as amended withstands the prior art as cited by the examiner, whether the prior art be applied individually, or in combination, for use either anticipating or rendering obvious the claimed subject matter of the applicant's invention. Thus, obviousness cannot be established by combining teachings of the prior art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting that combination. See the cases of *Ex parte Beuther*, 71 USPQ2 1313, (Bd. Pat. App. & Int. 2003) and *In re Geiger*, 815 F2d. 686 (Fed. Cir. 1987).

All of the claims now active in this application are believed to be in condition for allowance. Favorable action by the examiner is respectfully requested.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Charles C. McCloskey", with a long, sweeping flourish extending to the right.

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